

REMARKS

RESTRICTION/ELECTION

To provide a complete reply to the Restriction Requirement, Applicants elect, with traverse, Group I. With respect to the restriction requirement of page 10, Applicants reluctantly, and with traverse elect BTG1, solely for purposes of providing a complete response to the restriction requirement. Applicants note that election of Group I with further election of BTG reads on claims 1-4, 7-10, 13-16, 19, 84-89, 92, 97, 99, 102 and 103.

Applicants hereby traverse the restriction requirement mailed September 11, 2006. The present inventors have discovered methods for identifying compounds that induce senescence in mammalian cells. In particular, the present inventors have discovered that such compounds may be identified by their characteristic patterns of induction or suppression of certain sets of genes, because the induction or suppression of such genes is predictive of the ability of such compounds to induce senescence in mammalian cells. Thus, the methods according to the invention provide an elegant approach to identifying compounds that are potentially useful in the treatment of cancer.

The specific groups selected in the office action are further addressed below. However, as a threshold issue, Applicants must most vigorously object to the requirement set forth on page 10 of the office action that Applicants must elect a method drawn to a specific polynucleotide/polypeptide combination to which the claims will be restricted. The claimed invention is not a gene or a set of genes, it is the use of information about expression of such genes to discover useful compounds. The requirement treats the invention as a claim to a chemical process, whereas the invention is really directed to the use of bioinformatics to discover useful chemical compounds. To this point, Applicants respectfully suggest that this application may have been assigned to the wrong Group Art Unit.

More importantly, this requirement, while it might be acceptable as a species election for the commencement of searching, when set forth as a requirement for electing an invention, essentially vitiates the Applicants' ability to protect the invention in any meaningful manner. Because this requirement eliminates any practical possibility of obtaining meaningful protection

for the invention, if this requirement is maintained, Applicants will immediately file a Petition to the Commissioner for Reconsideration and request that all future prosecution in this case be suspended until the Applicants' Petition is acted upon.

Applicants respectfully request that this aspect of the restriction requirement be withdrawn, or alternatively, that the application be transferred to an art unit that deals with bioinformatics.

Applicants note that Groups I, III, VII, IX, X, XII, XXV, XXVII, XL and XLII all fall within class 435, subclass 6. As such, Applicants respectfully submit that searching these claims, all within the same class and subclass, and moreover, relating to essentially the same subject matter, does not create an undue burden for the Examiner. Moreover, proposed groups XIII-XXIV require absolutely no additional search. These are not product-by-process claims, but rather claims to compounds identified using the claimed methods. Thus, no compound search is required. The only question is whether the claimed methods for identification were used in the prior art. Accordingly, Applicants respectfully request that Groups I, III, VII, IX, X, XII-XXV, XXVII, XL and XLII be combined as directed to a single invention. If this is done, Applicants will elect this combined group without traverse as to this aspect of the restriction requirement.

If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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